

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

August 19, 2024

Clerk, US Dist. Ct. - DNJ
US Courthouse
4th and Cooper Streets
Camden, NJ 08101-2797

RE: Caleb L. McGillvary v. Nicholas Scutari et al
Civil Action No. 1:23-cv-26605-JMY
Hon. John Milton Younge, U.S.D.J.

Dear Clerk;

Please find enclosed and file onto the docket the original of my letter to Judge Younge regarding ECF 183, and Declaration in Support thereof; and proof of service thereof; in the above-captioned matter.

Kind Regards,



Caleb L. McGillvary
In Propria Persona

ENCL:
CC: FILE

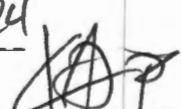
RECEIVED

AUG 26 2024

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

PROOF OF SERVICE

I, Caleb L. McGillvary, declare pursuant to 28 U.S.C. 1746 that on today's date, I placed in the institutional mailing system here where I'm incarcerated at NJ State Prison 3rd & Federal Streets Trenton, NJ 08625; with First Class Postage prepaid to be sent via USPS Mail; the original of my letter to Judge Younge regarding ECF 183, and Declaration in Support thereof; in the above-captioned matter. to the Clerk of the District Court at USDC-DNJ US Courthouse 4th & Cooper Sts. Camden, NJ 08101-2797. Pursuant to the prison mailbox rule, these documents are constructively filed as of the date of mailing. Pursuant to DNJ Local Civil Rules, upon said filing the Clerk files Plaintiff's document into the CM/ECF system. See DNJ L.Civ.R. 5.2.2 ("All civil ... cases and documents filed in this Court, will be entered into the Court's ECF System in accordance with these Procedures."). Upon entry of a document in CM/ECF, notice of electronic filing thereof ("NEF"); is automatically thereby sent to all CM/ECF-participating parties. See DNJ L.Civ.R. 5.2.1(d) ("NEF is a notice automatically generated by the Electronic Filing System at the time a document is filed with the system..."). This NEF constitutes service upon all such parties. See DNJ L.Civ.R. 5.2.14(b)(1) ("Transmission of the NEF constitutes service of the filed document on Filing Users"). Therefore, pursuant to this Court's 3/21/24 order; ECF 12; on today's date I have also served a copy of each said document on all appearing captioned Defendants, who are represented by CM/ECF-user Counsel. I hereby invoke the prison mailbox rule. I declare under penalty of perjury that the foregoing statements made by me are true and accurate. Executed this 19th Day of AUGUST, 2024



 Caleb L. McGillvary, Pro Se
 #1222665/SBI#102317G NJSP
 PO Box 861 Trenton, NJ
 08625-0861

RECEIVED

AUG 26 2024

AT 8:30 _____ M
 CLERK, U.S. DISTRICT COURT - DNJ

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

August 19, 2024

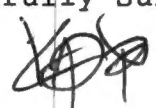
Hon. John Milton Younge, U.S.D.J.
15613 US Courthouse
601 Market St.
Philadelphia, PA 19106

RE: Caleb L. McGillvary v. Nicholas Scutari et al
Civil Action No. 1:23-cv-26605-JMY
Hon. John Milton Younge, U.S.D.J.

Dear Judge Younge;

I'm writing in regards to ECF 183. I had enclosed a motion for extension of time under Rule 6(b) to respond to certain defendants' demurrers, in the same envelope as the Rule 4(m) motion, which I also blind-copied Your Honor on via USPS Certified Mail, Return Receipt Requested. For whatever reason, that Rule 6(b) motion wasn't filed onto the docket. I've attached that same motion to the declaration in support of this letter, along with evidence that I mailed it on August 6, 2024; and I respectfully ask that you please direct the Clerk to file it nunc pro tunc as of the date indicated on the motion. Thank you for your consideration of this matter.

Respectfully Submitted,


Caleb L. McGillvary
In Propria Persona

ENCL:
CC: All Parties via the Clerk's NEF
FILE

RECEIVED

AUG 26 2024

AT 8:30 M
CLERK, U.S. DISTRICT COURT - DNJ

RECEIVED

AUG 26 2024

AT 8:30 ^M
CLERK, U.S. DISTRICT COURT - DNJ

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Caleb L. McGillvary
PLAINTIFF

V.

Nicholas Scutari et al
DEFENDANT

)
) CIVIL ACTION NO.
) 1:23-cv-26605-JMY
) Hon. John Milton Younge, USDJ
)
) Motion Date:
) To be determined by the Court
)
)

DECLARATION IN SUPPORT OF LETTER TO JUDGE YOUNGERE: ECF 183

I, Caleb L. McGillvary ("Plaintiff"), hereby declare pursuant to 28 U.S.C. 1746 the following:

1.) I am the pro se plaintiff in the above-captioned matter.

2.) On August 6, 2024, I placed in the institutional mailing system at NJ State Prison the original of my notice, declaration, proposed order, and motion in support of my motion for extension of time for service under Rule 4(m); and also of my notice, declaration, proposed order, and motion in support of my motion for extension of time under Rule 6(b) for response to ALL3MEDIA AMERICA, LLC, State Defendants, Federal Judge Defendants, and FMERA Defendants' motions to dismiss; in the same envelope to be sent via USPS Regular Mail to the Clerk of the USDC-DNJ at 4th & Cooper Sts. Camden, NJ; and a blind-copy

EXHIBIT A

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

AUGUST 6, 2024

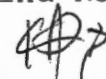
Clerk, US Dist. Ct. - DNJ
US Courthouse
4th and Cooper Streets
Camden, NJ 08101-2797

RE: Caleb L. McGillvary v. Nicholas Scutari et al
Civil Action No. 1:23-cv-26605-JMY
Hon. John Milton Younge, U.S.D.J.

Dear Clerk;

Please find enclosed and file onto the docket the original of my notice, declaration, proposed order, and motion in support of my MOTION FOR EXTENSION OF TIME UNDER RULE 6(b) FOR RESPONSE TO ALL3MEDIA LLC, STATE DEFENDANTS, FEDERAL JUDGE DEFENDANTS, AND FMERA DEFENDANTS' MOTIONS TO DISMISS; and proof of service thereof; in the above-captioned matter.

Kind Regards,



Caleb L. McGillvary
In Propria Persona

ENCL:
CC: FILE

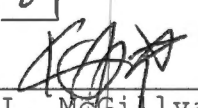
PROOF OF SERVICE

I, Caleb L. McGillvary, declare pursuant to 28 U.S.C. 1746 that on today's date, I placed in the institutional mailing system here where I'm incarcerated at NJ State Prison 3rd & Federal Streets Trenton, NJ 08625; with First Class Postage prepaid to be sent via USPS Mail; the original of my notice, declaration, proposed order, and motion in support of my MOTION FOR EXTENSION OF TIME UNDER RULE 6(b) FOR RESPONSE TO ALL3MEDIA LLC, STATE DEFENDANTS, FEDERAL JUDGE DEFENDANTS, AND FMERA DEFENDANTS' MOTIONS TO DISMISS in the above-captioned matter. to the Clerk of the District Court at USDC-DNJ US Courthouse 4th & Cooper Sts. Camden, NJ 08101-2797. Pursuant to the prison mailbox rule, these documents are constructively filed as of the date of mailing. Pursuant to DNJ Local Civil Rules, upon said filing the Clerk files Plaintiff's document into the CM/ECF system. See DNJ L.Civ.R. 5.2.2 ("All civil ... cases and documents filed in this Court, will be entered into the Court's ECF System in accordance with these Procedures."). Upon entry of a document in CM/ECF, notice of electronic filing thereof ("NEF"); is automatically thereby sent to all CM/ECF-participating parties. See DNJ L.Civ.R. 5.2.1(d) ("NEF is a notice automatically generated by the Electronic Filing System at the time a document is filed with the system..."). This NEF constitutes service upon all such parties. See DNJ L.Civ.R. 5.2.14(b)(1) ("Transmission of the NEF constitutes service of the filed document on Filing Users"). Therefore, pursuant to this Court's 3/21/24 order; ECF 12; on today's date I have also served a copy of each said document on all appearing captioned Defendants, who are represented by CM/ECF-user Counsel.

I hereby invoke the prison mailbox rule.

I declare under penalty of perjury that the foregoing statements made by me are true and accurate.

Executed this 6th Day of AUGUST, 2024


Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ
08625-0861

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Caleb L. McGillvary
PLAINTIFF

V.

Nicholas Scutari et al
DEFENDANT

)
) CIVIL ACTION NO.
) 1:23-cv-26605-JMY
) Hon. John Milton Younge, USDJ
)
) Motion Date:
) TO BE DETERMINED BY COURT
)
)

MOTION FOR EXTENSION OF TIME UNDER RULE 6(b) FOR RESPONSE TO
ALL3MEDIA LLC, STATE DEFENDANTS, FEDERAL JUDGE DEFENDANTS, AND
FMERA DEFENDANTS' MOTIONS TO DISMISS

Caleb L. McGillvary ("Plaintiff"), hereby moves the Court for an order granting an extension of time to respond to Defendants' pending motions pursuant to Rule 6(b)

As grounds for this request, Plaintiff incorporates by reference and relies upon his Declaration in support of this motion, and avers that it shows the following:

1.) I am the pro se plaintiff in the above-captioned matter.

2.) Defendants' motions involve complex issues of law which were evidently prepared by a team of highly-experienced litigators with vastly superior resources to the prison law

library I must contend with. It will surely require a lode of shepardization and legal research to prepare a meaningful response to such an intensely intricate set of demurrers.

3.) I am currently incarcerated in a maximum security prison which has severely restricted access to research and law library facilities. I am only permitted 5 hours at the law library once every 6 days, during which time I may research caselaw, print documents, or make copies of legal documents. Sometimes guys in the messhall jump on each other's heads or stab each other and the whole place gets locked down, which means that law library gets cancelled. I have had a clean disciplinary record for years, so any such delay is through no fault of my own. Despite my good faith and diligent effort, these circumstances make it so that legal research and preparation of documents is a much slower process for me than it is for defendants, who have all the resources of highly-experienced lawyers working for them, that have teams of paralegals and experts at their disposal. It is therefore necessary for me to have an additional 60 days to respond pro se to the staggering amount of research and preparation said represented defendants have put into their briefs.

This motion is now before the Court.

LEGAL ARGUMENT

**POINT I: PLAINTIFF HAS SHOWN GOOD CAUSE FOR AN EXTENSION OF TIME
TO FILE A RESPONSE TO DEFENDANTS' DEMURRERS**

Fed. R. Civ. P. 6(b) states that, with exceptions that don't apply here, the time within which to act pursuant to any federal rule may be extended by leave of Court for good cause. Plaintiff has declared under penalty of perjury that he is severely restricted in his abilities to research and prepare legal documents to rebut the wall of cases set forth by the highly-skilled and well-funded lawyers he's up against in propria persona, who have the benefit of a team of paralegals to research and prepare. Plaintiff has acted diligently and in good faith to move the Court for an extension of time prior to the expiration of the time to respond. It is therefore in the interests of justice to grant Plaintiff an additional 60 days from the issuance of an order disposing of this motion to file a response.

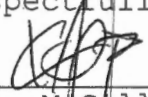
CONCLUSION

Plaintiff has shown good cause for an extension of 60 days from the order disposing of this motion in which to respond to the Defendants' complex and research-intensive demurrers. For all the foregoing reasons, Plaintiff respectfully asks the Court to grant him an extension of time to respond.

Date:

8/6/24

Respectfully submitted,



Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ
08625-0861

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Caleb L. McGillvary
PLAINTIFF

V.

Nicholas Scutari et al
DEFENDANT

)
) CIVIL ACTION NO.
) 1:23-cv-26605-JMY
) Hon. John Milton Younge, USDJ
)
) Motion Date:
) TO BE DETERMINED BY COURT
)
)

DECLARATION IN SUPPORT OF MOTION FOR EXTENSION OF TIME UNDER
RULE 6(b) FOR RESPONSE TO ALL3MEDIA LLC, STATE DEFENDANTS,
FEDERAL JUDGE DEFENDANTS, AND FMERA DEFENDANTS' MOTIONS TO
DISMISS

I, Caleb L. McGillvary ("Plaintiff"), hereby declare
pursuant to 28 U.S.C. 1746 the following:

1.) I am the pro se plaintiff in the above-captioned
matter.

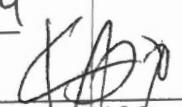
2.) Defendants' motions involve complex issues of law
which were evidently prepared by a team of highly-experienced
litigators with vastly superior resources to the prison law
library I must contend with. It will surely require a lode of
shepardization and legal research to prepare a meaningful
response to such an intensely intricate set of demurrers.

3.) I am currently incarcerated in a maximum security prison which has severely restricted access to research and law library facilities. I am only permitted 5 hours at the law library once every 6 days, during which time I may research caselaw, print documents, or make copies of legal documents. Sometimes guys in the mess hall jump on each other's heads or stab each other and the whole place gets locked down, which means that law library gets cancelled. I have had a clean disciplinary record for years, so any such delay is through no fault of my own. Despite my good faith and diligent effort, these circumstances make it so that legal research and preparation of documents is a much slower process for me than it is for defendants, who have all the resources of highly-experienced lawyers working for them, that have teams of paralegals and experts at their disposal. It is therefore necessary for me to have an additional 60 days to respond pro se to the staggering amount of research and preparation said represented defendants have put into their briefs.

4.) For all the foregoing reasons, and for all the reasons in my attached motion, I request in good faith that the Court should grant my motion to for extension of time to respond for 60 days from the date of the order granting this motion.

I declare under penalty of perjury that the foregoing statements are true and accurate.

Executed this 6th day of AUGUST, 2024


Caleb L. McGilivray, ProSe
#1222665/SBI#102317GNJSP
PO Box 861, Trenton, NJ08625

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Caleb L. McGillvary
PLAINTIFF

V.

Nicholas Scutari et al
DEFENDANT

)
) CIVIL ACTION NO.
) 1:23-cv-26605-JMY
) Hon. John Milton Younge, USDJ
)
) Motion Date:
) TO BE DECIDED BY THE COURT
)
)

NOTICE OF MOTION FOR EXTENSION OF TIME UNDER RULE 6(b) FOR
RESPONSE TO ALL3MEDIA LLC, STATE DEFENDANTS, FEDERAL JUDGE
DEFENDANTS, AND EMERA DEFENDANTS' MOTIONS TO DISMISS

TO: CLERK, ALL CAPTIONED PARTIES

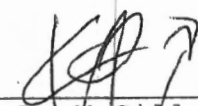
Please take notice that, on a date and time to be determined by the Court, Plaintiff Caleb L. McGillvary ("Plaintiff") hereby moves the Court for an order granting an extension of time to respond pursuant to Rule 6(b);

As grounds for this motion, Plaintiff relies upon his attached motion and declaration

A proposed form of order is lodged herewith

Date:

8/6/24


Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ
08625-0861

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Caleb L. McGillvary
PLAINTIFF

V.

Nicholas Scutari et al
DEFENDANT

)
) CIVIL ACTION NO.
) 1:23-cv-26605-JMY
) Hon. John Milton Younge, USDJ
)
) Motion Date:
) _____
)
)

ORDER

THIS MATTER having been opened to the Court on motion by Plaintiff Caleb L. McGillvary for an order granting an extension of time to respond pursuant to Rule 6(b); in this proceeding, and the Court having considered the papers submitted and the arguments therein, and FOR GOOD CAUSE SHOWN

It is on this ____ Day of _____, 20__

ORDERED that Plaintiff's motion is hereby GRANTED; and it is further

ORDERED that the time for Plaintiff to respond to ALL3MEDIA LLC, STATE DEFENDANTS, FEDERAL JUDGE DEFENDANTS, AND FMERA DEFENDANTS' MOTIONS TO DISMISS be extended for an additional 60 days from the date of this order; and it is further

ORDERED that a copy of this order be served upon all parties appearing in this matter within 7 days of this order

Hon. John Milton Younge, U.S.D.J.

EXHIBIT B

CO-30 A NEW JERSEY STATE PRISON POSTAGE REMIT Rev. 3/1/21

DATE: 8/6/24 LOCATION: 6R81

SBI NUMBER: 1023176

INMATE NAME: CALEB MCGILL VARY

INMATE SIGNATURE: [Signature]

TO: BUSINESS MANAGER DATE MAILED:

(✓) Check Appropriate Box (s)

<input type="checkbox"/>	Legal Postage	\$
<input checked="" type="checkbox"/>	Certified Cert. # 76207000211360918	4.85
<input checked="" type="checkbox"/>	Return Receipt Requested	4.10
<input checked="" type="checkbox"/>	Postage Affixed; SEND DIRECT Legal Postage Only TO MAILROOM	0
<input type="checkbox"/>	Regular Postage or UPS Property	
<input type="checkbox"/>	Additional Insurance Amount \$	
<input type="checkbox"/>	No Postage Inter Office Mail	
Weight of Mail/Property		Total Postage and Fees \$ 8.95

SENT TO: HON. JOHN MILTON YOUNG, USDS

ADDRESS: PRINT 15613 US CHSE 601 MARKET ST. PHILA PA 19104

ENCL. R 46, R 6(b) 1:23-22605 (DN)

WITNESS: J. [Signature]

SIGNATURE: [Signature] APPROVED

CHECK# DATE:

CO-30 A NEW JERSEY STATE PRISON POSTAGE REMIT Rev. 3/1/21

DATE: 8/6/24 LOCATION: 6R81SBI NUMBER: 1023176INMATE NAME: CAVER, MICHAELINMATE SIGNATURE: [Signature]

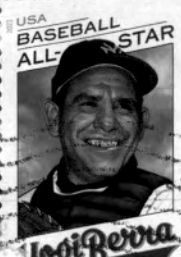
TO: BUSINESS MANAGER

DATE MAILED: _____

(✓) Check Appropriate Box (s)

<input type="checkbox"/>	Legal Postage	\$
<input type="checkbox"/>	Certified Cert. #	
<input type="checkbox"/>	Return Receipt Requested	
<input checked="" type="checkbox"/>	Postage Affixed; SEND DIRECT Legal Postage Only TO MAILROOM	①
<input type="checkbox"/>	Regular Postage or UPS Property	
<input type="checkbox"/>	Additional Insurance Amount \$	
<input type="checkbox"/>	No Postage Inter Office Mail	
Weight of Mail/Property		Total Postage and Fees \$

SENT TO: CLERY, USPC - DNSADDRESS: PRINT 4TH & COOPER STS, CAMDEN, NJ 0810ENCL: R4(m), R6(b) 1:23-22605



Trenton P&DC NJ 086
WED 21 AUG 2024 PM

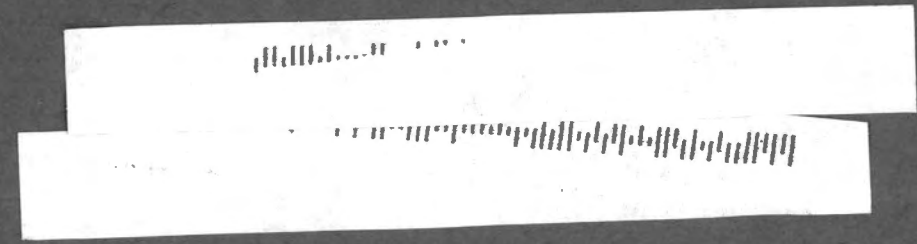
X-PAID

RECEIVED

AUG 26 2024

AT 8:30 M
CLERK, U.S. DISTRICT COURT - DNJ

CLERK
US DIST CT. - DNJ
4TH & COOPER STS.
CAMDEN, NJ
08101-2797



LEGAL MAIL